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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/607,598      | 06/27/2003  | Roland Martin        | 4239-66190          | 7617             |

36218 7590 04/05/2006  
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EXAMINER

SEHARASEYON, JEGATHEESAN

ART UNIT PAPER NUMBER

1647

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-21 and 29-31 are drawn to method of treating a subject with multiple sclerosis, comprising administering to the subject a therapeutically effective amount an IL-2 receptor antagonist that is antibody, classified in class 424, subclass 130.1.
- II. Claims 1-14 are drawn to method of treating a subject with multiple sclerosis, comprising administering to the subject a therapeutically effective amount an IL-2 receptor antagonist that is not an antibody, classified in class un disclosed, subclass un disclosed.
- III. Claims 22-28 are drawn to method for identifying a subject responsive to treatment with an IL-2 receptor antagonist, comprising selecting a subject that has multiple sclerosis that has not responded to treatment with interferon-beta, thereby identifying the subject responsive to treatment with the IL-2 receptor antagonist, classified in class undisclosed, subclass undisclosed.

The inventions are distinct, each from the other, for reasons:

Inventions I -III are independent and distinct, each from other, because the methods are practiced with materially different starting materials, have materially different process steps, and are for materially different purposes.

Art Unit: 1647

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### **Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jegatheesan Seharaseyon, Ph.D whose telephone number is 571-272-0892. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS 03/06

  
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